

DISTRICT OF OREGON

ss: AFFIDAVIT OF BRETT HAWKINSON

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Brett Hawkinson, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a police detective with the Portland Police Bureau (PPB) currently assigned to robbery investigations. As part of my duties, I am also designated as a Task Force Officer with the Federal Bureau of Investigation Safe Streets Task Force responsible for the investigation of bank robberies and other violations of federal law, and have been since March 2010. My total law enforcement experience includes approximately eighteen years as a Portland Police officer, and three years of employment with the City of Lynnwood, Washington Police Department.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for ALEXA DARON GRAHAM for Aiming a Laser Pointer at an Aircraft in violation of 18 U.S.C. § 39A. As set forth below, there is probable cause to believe, and I do believe, that ALEXA DARON GRAHAM Aimed a Laser Pointer at an Aircraft in violation of 18 U.S.C. § 39A.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

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Applicable Law

4. Title 18, United States Code, Section 39A(a) (Aiming a Laser Pointer at an Aircraft) provides in relevant part: "Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both." A laser pointer is defined in 18 U.S.C. § 39A(b) as "any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object."

Statement of Probable Cause

5. On August 7, 2020, shortly after midnight, Sergeant Flores, a pilot for the Portland Police Bureau (PPB), reported that multiple lasers were shining at his aircraft while flying over the City of Portland, Multnomah County, Oregon. He was piloting PPB's Cessna 172, known as Air One, and flying at approximately 3,500 feet as part of his duties for the PPB. Officer William Balzer, who was the Tactical Flight Observer (TFO) and also accompanying Sergeant Flores on the flight, was able to visually observe one of the green lasers originating only a few blocks away from the Portland Police Bureau Southeast Precinct; specifically the green laser was coming from a motor vehicle parked on the east side of SE 45th Street between East Burnside Street and SE Stark Street. Officer Balzer maintained observation of the vehicle, and saw that the laser struck the aircraft approximately ten more times coming from the passenger side of the vehicle. During that timeframe, Officer Balzer directed police officers on motorcycles to the location of the above vehicle, and watched and directed the officers to the exact vehicle the laser was coming from.

6. Officer Matthew Huspek was one of the officers who was directed to the vehicle. Officer Huspek reported he contacted the vehicle, and observed ALEXA DARON GRAHAM seated in the front passenger seat of the vehicle. As Officer Huspek approached the vehicle, he saw GRAHAM suddenly reach down under the passenger side seat. Officer Huspek gave commands to GRAHAM, who kept her right arm under the front passenger seat. Officer Huspek reached in, took control of GRAHAM'S right arm, and had GRAHAM step out of the vehicle. GRAHAM was arrested. Officer Paolini looked inside the vehicle where GRAHAM was sitting, and saw a black laser device protruding from under the seat. Officer Paolini recovered the laser device, and placed it into evidence.

7. GRAHAM was interviewed by Portland Police Detectives; when asked if she wanted to talk to about the incident, GRAHAM declined.

Conclusion

8. Based on the foregoing, I have probable cause to believe, and I do believe, that that ALEXA DARON GRAHAM aimed a laser pointer at an aircraft in violation of 18 U.S.C. §39A. I therefore request that the Court issue a criminal complaint and arrest warrant for ALEXA DARON GRAHAM.

9. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney Hannah Horsley. AUSA Horsley advised me that in her opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

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Request for Sealing

10. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested search warrant, including the application, this affidavit, the attachments, and the requested arrest warrant. I believe that sealing these documents is necessary because the information is relevant to an ongoing investigation, and any disclosure of the information at this time may cause flight from prosecution, destruction of or tampering with evidence, or otherwise seriously jeopardize an investigation. Premature disclosure of the contents of the application, this affidavit, the attachments, and the requested arrest warrant may adversely affect the integrity of the investigation.

*Brett S. Hawkinson*_____

BRETT HAWKINSON
Task Force Officer,
Federal Bureau of Investigation

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone 9:16 a.m.
on August 27, 2020.

*Youleee Jim You*_____

HONORABLE YOULEE YIM YOU
United States Magistrate Judge